

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOHN ALEXANDER PARKER

PLAINTIFF

v.

**CAUSE NO. 1:14CV1-LG-JCG
consolidated with 1:15CV226-LG-JCG**

**STATE OF MISSISSIPPI
and JOHNNIE DENMARK**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is the Report and Recommendation [19] entered by United States Magistrate Judge John C. Gargiulo. Judge Gargiulo recommends that these consolidated cases filed by John Alexander Parker should be dismissed with prejudice for failure to exhaust state court remedies. After reviewing the Report and Recommendation, the record in this matter, and the applicable law, the Court finds that the Report and Recommendation should be adopted as the opinion of this Court and this lawsuit should be dismissed with prejudice.

DISCUSSION

On January 2, 2014, Parker filed his first Petition for Writ of Habeas Corpus, which was assigned cause number 1:14cv1-LG-JCG. On July 13, 2015, Parker filed his second Petition for Writ of Habeas Corpus, which was assigned cause number 1:15cv226-LG-JCG. Judge Gargiulo recommends that both petitions be dismissed with prejudice, because Parker failed to exhaust his state court remedies prior to filing his petitions before this Court. Judge Gargiulo further found that Parker is barred from further pursuing these matters in state court in a procedurally proper manner. Parker has not objected to Judge Gargiulo's Report and Recommendation.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. See 28 U.S.C. ' 636(b)(1) (A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.) In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Gargiulo's Report and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Report and Recommendation entered by Judge Gargiulo should be adopted as the opinion of this Court and these consolidated cases should be dismissed with prejudice.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [19] entered by United States Magistrate Judge John C. Gargiulo is **ADOPTED** as the opinion of this Court. These consolidated cases are **DISMISSED WITH PREJUDICE**.

SO ORDERED AND ADJUDGED this the 3rd day of February, 2017.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE